

ORIGINAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

FILED

AUG 19 2003

CLERK, U.S. DISTRICT COURT

By _____
Deputy

LASANDRA MADDEN AND LEVELL
MADDEN, Individually, and on Behalf
of LABREA WILLIAMS, a minor child,

Plaintiffs,

CIVIL ACTION No. 3:03-CV-0167-R

v.

WYETH, d/b/a WYETH, INC., f/k/a
AMERICAN HOME PRODUCTS
CORPORATION; WYETH CONSUMER
HEALTHCARE, AN UNINCORPORATED
DIVISION OF WYETH, f/k/a WHITEHALL-
ROBINS HEALTHCARE; &WHITEHALL
LABORATORIES, INC.

Defendants,

**JOINT STATUS REPORT ON PLAINTIFFS' MOTION AND BRIEF
TO COMPEL DISCOVERY FROM DEFENDANT WYETH**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW La Sandra Madden and Levell Madden, Individually, and on Behalf of Labrea Williams, a minor child, plaintiffs in the above numbered and styled cause, and file this Joint Status Report on Plaintiffs' Motion and Brief to Compel Discovery from Defendant Wyeth pursuant to the March 6, 2003 Standing Order on All Non-Dispositive Motions, and in support thereof would respectfully show the Court as follows:

**I.
JOINT STATUS REPORT**

A. Names of attorneys who participated in the face-to-face conference

Jason S. Marina - attorney for plaintiffs

Jeffrey J. Hobbs - attorney for defendants

B. Date conference was held and amount of time parties conferred

On July 21, 2003, the above-named counsel held a face-to-face conference at the law office of Vinson & Elkins. The parties conferred for approximately one hour and thirty minutes.

C. Matter resolved by agreement

None.

D. Specific matters that need to be heard and determined

Whether the court should grant plaintiffs' motion to compel discovery and enter the accompanying order.

E. Reasons why agreement could not be reached

1. PLAINTIFFS' POSITION

Please see Plaintiffs' Motion and Brief to Compel Discovery from Wyeth and the attached Exhibits.

(*) Plaintiffs served their First Set of Interrogatories and First Request for Production to defendant Wyeth on or about March 25, 2003. On or about May 12, 2003, defendant served plaintiffs with its answers and objections, and produced little, if any, documents or information.

On July 21, 2003, the above-named counsel held a face-to-face conference at the law office of Vinson & Elkins. Plaintiffs then served defendant a copy of this Motion and Brief on July 24, 2003, (**Att. 1**), in an effort to comply with the Joint Status Report requirement. Counsel for respondent has not filed any response to said motion, nor have they discussed this matter beyond supplementing a few advertising materials that were available at the time of the July 21, 2003 conference.

More than 20 days have elapsed since plaintiffs served this Motion and Brief on counsel for defendant. According to Local Rule 7.1, a response and brief to an opposed motion must be filed within 20 days from date the motion is filed. Plaintiffs have been more than patient and have waited the required time in order to file this Joint Status Report. However, plaintiffs can no longer wait around for defendant to respond, then spend additional time filing the joint status report, simply to delay the hearing date and discovery in this case further than has already been delayed.

Therefore, plaintiffs file this Joint Status Report along with their Motion and Brief to Compel Discovery.

2. WYETH'S POSITION

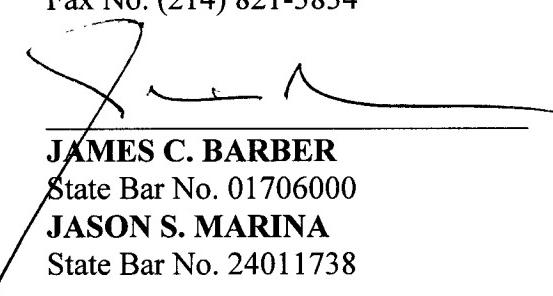
See above ().*

Dated this 19th day of August, 2003.

Respectfully submitted,

LAW OFFICES OF JAMES C. BARBER
 4310 Gaston Avenue
 Dallas, TX. 75246
 (214) 821-8840
 Fax No. (214) 821-3834

By:


JAMES C. BARBER
 State Bar No. 01706000
JASON S. MARINA
 State Bar No. 24011738

ATTORNEYS FOR PLAINTIFFS

Attachment 1

LAW OFFICES OF JAMES C. BARBER
4310 GASTON AVENUE
DALLAS, TEXAS 75246

JAMES C. BARBER
JASON S. MARINA
MARK MILLS - LEGAL ASSISTANT
BOARD CERTIFIED-PERSONAL INJURY TRIAL LAW
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July 24, 2003

VIA HAND DELIVERY

Jeffrey J. Hobbs, Esq.
Vinson & Elkins, L.L.P.
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2001 Ross Ave.
Dallas, TX 75201-2975

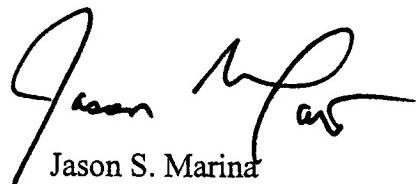
Re: Cause No.: 3:03-CV-0167-R;
LaSandra Madden and Levell Madden, Individually, and on Behalf of Labrea Williams, a minor child v. Wyeth et al.

Dear Jeff:

Enclosed please find Plaintiffs' Motion and Brief to Compel Discovery from Wyeth. I would appreciate it if you would get back to me as soon as possible so that we can file our Joint Status Report on any resolved and unresolved matters.

Thank you for your attention to this matter.

Sincerely yours,



Jason S. Marina

/jsm
Enclosure

cc: LaSandra Madden (w/o encl.)

VIA REGULAR MAIL